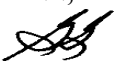




# CHARTER REVIEW COMMISSION

## AGENDA REQUEST

<b>AGENDA OF:</b>	<b>12-11-13</b>	<b>AGENDA REQUEST NO:</b>	<b>III-A</b>
<b>INITIATED BY:</b>	<b>CHRISTINE RANKIN EXECUTIVE SECRETARY</b>	<b>RESPONSIBLE DEPARTMENT:</b>	<b>CITY SECRETARY</b>
<b>PRESENTED BY:</b>	<b>GLENDA GUNDERMANN, CITY SECRETARY</b>	<b>DIRECTOR:</b>	<b>GLENDA GUNDERMANN, CITY SECRETARY</b> 
		<b>ADDITIONAL DIRECTOR (S):</b>	<b>N/A</b>
<b>SUBJECT / PROCEEDING:</b>	<b>MINUTES CHARTER REVIEW COMMISSION MEETING DECEMBER 04, 2013 APPROVE MINUTES</b>		
<b>EXHIBITS:</b>	<b>MINUTES DECEMBER 04, 2013</b>		
<b>CLEARANCES</b>		<b>APPROVAL</b>	
<b>LEGAL:</b>	<b>N/A</b>	<b>ASSISTANT CITY MANAGER:</b>	<b>N/A</b>
<b>PURCHASING:</b>	<b>N/A</b>	<b>ASSISTANT CITY MANAGER:</b>	<b>N/A</b>
<b>BUDGET:</b>	<b>N/A</b>	<b>CITY MANAGER:</b>	<b>N/A</b>
<b>BUDGET</b>			
<b>EXPENDITURE REQUIRED: \$</b>		<b>N/A</b>	
<b>CURRENT BUDGET: \$</b>		<b>N/A</b>	
<b>ADDITIONAL FUNDING: \$</b>		<b>N/A</b>	
<b>RECOMMENDED ACTION</b>			
Approve the minutes of December 04, 2013 Charter Review Commission meeting.			
<b>EXHIBITS</b>			

STATE OF TEXAS §  
COUNTY OF FORT BEND §  
CITY OF SUGAR LAND §

**CITY OF SUGAR LAND  
CHARTER REVIEW COMMISSION  
WEDNESDAY, DECEMBER 04, 2013**

**REGULAR MEETING**

The Charter Review Commission of the City of Sugar Land convened in a regular meeting open to the public and pursuant to notice thereof duly given in accordance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, as amended, in Sugar Land City Hall within said City on Wednesday, December 04, 2013 at 4:00 o'clock P.M. and the roll was called of the members; to wit:

William Little, Chairman  
Steven Weathered  
Robert Kern  
Jennifer Chiang  
Dennis Parmer

**QUORUM PRESENT**

All of said members were present.

Also present were:  
Glenda Gundermann, City Secretary  
Mary Ann Powell, City Attorney

**CONVENE MEETING**

*Chairman William Little* convened the session, open to the public, to order at 4:00 o'clock P.M.

**PUBLIC COMMENTS**

*Chairman Little* introduced Public Comment stating that citizens desiring to address the Commission with regard to matters on the agenda would be received at this time.

There were no public comments.

## MINUTES

*Chairman Little* introduced consideration of and action on approval of the minutes of the regular meeting of November 26, 2013.

Following a full and complete discussion, *Mr. Weathered*, seconded by *Mr. Parmer*, made a motion to approve the minutes of the regular meeting of November 26, 2013. The motion carried unanimously.

## CHARTER

*Chairman Little* introduced review of and discussion on City of Sugar Land Charter. Commission discussed ensued regarding:

### Article I. General Provisions

#### Section 1.02 Form of Government

##### **Mr. Robert Kern**

- Clarification of terms used. For example, City Council is sometimes referred to as Mayor and City Council and others references do not. City Attorney was asked to draft language
- Focus on the reader's ability to read the Charter with clear, concise and non-contradictory language
- Weak form due to delegating a lot of responsibilities to the City Manager despite the Charter stating powers reserved for City Council

### Article II. The Council

#### Section 2.01 Election and Term

##### **Mr. Steve Weathered**

- Review 2 year and 3 year terms – consider Election Code
  - 2 year terms do not provide continuity
  - Council Member has to prepare to rerun almost as soon as office is taken
  - Raising funds that distracts from duties

#### Section 2.03 Term Limitations

##### **Mr. Steve Weathered and Mr. Dennis Parmer**

- Interpretation
  - Section defines terms for Council without mentioning the Mayor and states that the position of Mayor is a separate council office
  - City of Sugar Land has historically considered the Mayor's term limitation the same as City Council but the Charter does not specifically address that
    - City Secretary will review the previous amendments to verify the Mayor's term

<b>CHARTER (CONTINUED)</b>
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## **Article II. The Council (continued)**

### Section 2.06 Vacancies

#### **Mr. Steve Weathered**

- Update if Section 2.03 is changed

### Section 2.07 Powers and Duties of Council

#### **Mr. Steve Weathered and Mr. Dennis Parmer**

- (d) questions pertaining to jurisdiction upon, over and under public streets, sidewalks, alleys and public grounds of the City including the right to impose charges for the use of such property
  - should we add language that is more inclusive? City Attorney was asked to draft language

### Section 2.08 Council Meetings

#### **Mr. Steve Weathered and Mr. Dennis Parmer**

- Attorney General and calling Special Meetings...Open Meetings Act
- (b) question about whether electronic voting is covered in the language
  - The City voting log does have “ayes” and “neys”

## **Article III. Initiative, Referendum and Recall**

#### **Mr. Steve Weathered**

- Complete review of Article III
  - Is revision of the Section needed? What kind of changes?

### Section 3.02 Requirements of All Petitions

#### **Ms. Jennifer Chiang**

- Red Light Camera petition
  - Submitted as an amendment to the Charter
    - Could not fall under referendum because the Ordinance was greater than two years old
    - Was insufficient in meeting the requirements of the Charter
      - Did not have five registered voters serving as Committee of the Petitioners with signed and notarized affidavits and other issues related
  - Did the petition fail due to the lack of clarity in the Charter or the failure of the petitioners to understand the requirement
    - Recent petition was the first time the section has been used
    - Referendum is the cleanest way but because it was not possible, creative ways to overturn

<b>CHARTER (CONTINUED)</b>
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### **Article III. Initiative, Referendum and Recall (continued)**

#### Section 3.04 Petition Signatures

##### **Mr. Steve Weathered and Mr. Dennis Parmer**

- Why are the percentages different?
  - Municipalities do not have to allow recall; why the differences
    - (a) (1) – initiative or referendum - 30% of voters
    - (a) (2) – recall of the Mayor or At Large Council Member - 25% of voters
    - (a) (3) – recall of a Council Member – 20% of voters
  - Percentages should be the same

#### Section 3.06 Initiative and Referendum Elections

##### **Mr. Dennis Parmer**

- (b) question as to what happens if there is a tie? How would it be decided?

### **Article IV. Administration Offices and Departments**

#### Section 4.01 City Manager

##### **Ms. Jennifer Chiang**

- Centralized power in the office
  - Direct hire/fire Police Chief and Fire Chief
  - City Council concurrence for City Secretary and City Attorney, should this be Council appointment
- City Manager built consensus with City Council on hiring of major Officers of the City
  - Law allows Closed Executive Sessions to discuss Personnel Matters

##### **Mr. Steve Weathered**

- (b) (1) confirmation received that the Zoning Board of Adjustment and Planning and Zoning Commission are appointed by Council and not affected by this
- (b) (2) Council is not reviewing personnel policies. Should that be changed?
- (b) (7) received confirmation of agenda process
  - Wednesday week prior – Mayor review
  - Thursday – Council review
    - Council policy allows a council member to place an item on the agenda; must be 2 members in agreement to add the item to the agenda

<b>CHARTER (CONTINUED)</b>
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### **Article III. Initiative, Referendum and Recall (continued)**

#### Section 4.03 City Attorney and Section 4.02 City Secretary

- From a Canon of Ethics proposition, City Attorney should report to City Council
  - City Attorney represents all of the citizens through elected officials of the City and through the direction of the City Manager. City Council establishes policy. City Manager implements policy
    - Potential conflicts for the City Attorney
    - City has open door policy that would allow discussion with Council
    - Might improve evaluation of a proposal if Council receives the same counsel as the City Manager
- Same concerns for City Secretary
- Information provided to show percentages of cities that do have the City Secretary and City Attorney reporting to City Council
- Any review and revision recommendations should be made on a broad spectrum and considered in future meetings
- A number of the issues being discussed are addressed specifically through established Council Subcommittees
  - A copy of the City Council policy will be provided at the next meeting

Additional discussion included having language in the charter to include a provision for an Assistant City Manager to act as City Manager.

The Commission discussed the best way to review the Charter in future meetings and it was agreed to take it Section by Section.

<b>ADJOURN</b>
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There, being no further business to come before the Commission, ***Mr. Kern***, seconded by ***Ms. Chiang***, moved that the meeting adjourn. The motion carried unanimously and the meeting adjourned, time 5:00 o'clock P.M.

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William Little, Chairman

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Glenda Gundermann, City Secretary

(SEAL)